

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PROTECT OUR LAND AND RIGHTS
DEFENSE FUND,

Plaintiff,

v.

Case No. 12-14161

ENBRIDGE ENERGY, LIMITED PARTNERSHIP,

Defendant.

**ORDER TERMINATING AS MOOT PLAINTIFF'S
"MOTION FOR TEMPORARY RESTRAINING ORDER"**

Defendant, Enbridge Energy, Limited Partnership, owns and operates a crude oil and petroleum pipeline named "Line 6B." Line 6B begins in Griffith, Indiana, runs through the state of Michigan, and ends in Sarnia, Ontario. Defendant has commenced a project to replace certain segments of Line 6B. Allegedly, Defendant plans to begin construction even though it has not obtained the necessary state and local environmental permits to lawfully do so within various Michigan counties, townships, and municipalities.

Plaintiff, Protect Our Land And Rights Defense Fund, is a Michigan environmental non-profit corporation that argues Defendant will create a public nuisance if it conducts work on Line 6B without securing the required permits. On September 25, 2012, Plaintiff filed both a motion for a temporary restraining order and a motion for a preliminary injunction asking the court to enjoin Defendant from commencing construction on the pipeline within Michigan. The court held an off-the-record

telephonic conference with the parties. As it is not apparent that Plaintiff is at risk of suffering any significant immediate injury, the preliminary injunction motion will be considered to supersede the motion for a temporary restraining order. However, should Plaintiff believe that Defendant plans to take action that will cause substantial harm, Plaintiff should consult with Defendant's counsel in an attempt to mitigate the damage, but remains is at liberty to file a separate motion for a temporary restraining order at that time.¹ Accordingly,

IT IS ORDERED that Plaintiff's "Motion for Temporary Restraining Order" [Dkt. # 3] is TERMINATED WITHOUT PREJUDICE as moot.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: September 29, 2012

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 29, 2012, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

¹ For example, Plaintiff alleges that Defendant "has cut down trees in Brandon Township," see Pl.'s Mtn. T.R.O. p. 6. But, as the court explained—entirely informally—"cutting down trees" might on the one hand implicate clearing insignificant two inch diameter saplings, or, on the other, felling a majestic and historic six-hundred-year-old oak. There is a difference in the "harm" both parties should consider while assessing their respective positions.